THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND

THE HON'BLE MR JUSTICE M.E.N.PATRUDU

WRIT PETITION No: 3364 of 2006

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Dated: 23.02.2006

Between:

R. Varadappa,

..... PETITIONER

AND

The Deputy Inspector General of Police,

Kurnool Range, Kurnool & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.E.N.PATRUDU

ORDER:- (PER THE HONOURABLE JC,J)

Aggrieved by the order of the A.P. Administrative Tribunal in O.A.No.1177 of 2000, dated 10.08.2004, the un-successful applicant therein preferred the present writ petition.

The petitioner was promoted as Circle Inspector of Police on 18.11.1997. On 14.12.1998 probation was declared. However, by an order, dated 19.071999, the petitioner was reverted as Sub-Inspector of Police ostensibly on the ground that there was no vacancy for continuing him as Circle Inspector. Challenging the reversion order, the petitioner approached the A.P. Administrative Tribunal by way of the abovementioned O.A. On 21.03.2000, an interim order was granted to continue the petitioner as Circle Inspector. On 31.06.2000 the petitioner retired from service. The matter came to be listed on 10.08.2004. The Tribunal by a cryptic order closed the matter, as infructuous, which runs as follows:

> "It is represented by the learned counsel for the applicant that no further orders are necessary in this O.A. in view of the retirement of the applicant.
>
> In view of the submission made by counsel for applicant, this O.A. No.1177 of 2000 is closed as infructuous."

We do not wish to go into the details of the case. However, we are unable to understand as to how the matter would become infructuous. If the reversion of the petitioner is illegal, the petitioner would retire as Circle Inspector of Police. On the other hand, if it is sustainable in law, he would retire as Sub-Inspector of Police. In either case, it would make a difference in the retirement benefits that has to be given to the petitioner.

In the circumstances, we are of the opinion that the Tribunal failed to exercise the jurisdiction vested with it.

Heard the learned Government Pleader.

In the circumstances, we deem it appropriate to allow the writ petition at the admission stage and remit the matter back to the Administrative Tribunal for a proper decision in the abovementioned O.A. in accordance with law. No order as to costs.

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J.CHELAMESWAR, J

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M.E.N.PATRUDU, J

Date: 23.02.2006

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